

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

|                          |   |   |
|--------------------------|---|---|
| <b>GREGORY LOWE,</b>     | ) |   |
|                          | ) |   |
| <b>Petitioner,</b>       | ) |   |
|                          | ) |   |
| <b>v.</b>                | ) | <b>CIVIL ACTION NO. 5:10-CV-4 (MTT)</b> |
|                          | ) |   |
| <b>WILLIAM M. TERRY,</b> | ) |   |
|                          | ) |   |
| <b>Respondent.</b>       | ) |   |
| _____                    | ) |   |

**ORDER**

This matter is before the Court on the Recommendation (Doc. 18) of United States Magistrate Judge Charles H. Weigle. The Magistrate Judge recommends granting the Respondent's Motion to Dismiss (Doc. 9) because the Petition (Doc. 1) was filed outside the applicable limitations period and the Petitioner has failed to show any cause for tolling the limitations period. The Petitioner has filed an Objection (Doc. 19) to the Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff's Objection and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Recommendation is adopted and made the order of this Court. The Respondent's Motion to Dismiss is **GRANTED**, and the Petition is **DISMISSED**.

**SO ORDERED**, this 8<sup>th</sup> day of December, 2010.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT